

Remarks

Claims 38, 42 through 46, 49 through 53, 59, 66, 68, 71, and 73 through 75 are pending in this application. Claims 1 through 37 were previously cancelled by Preliminary Amendment. Claims 39 through 41, 47, 48, 54 through 58, 60 through 65, 67, 69, 70, and 72 were cancelled in the Reply Under 37 C.F.R. 1.111 & Amendment Under 37 C.F.R. 1.121. Claims 38, 42, 43, 49 through 51, 59, 66, 68, 71, and 73 through 75 stand rejected. Rejections are presented by the Office under 35 U.S.C. §112, second paragraph, and 35 U.S.C. §102(e).

This paper contains amendments under 37 C.F.R. §1.116. Basis for amendments to the specification can be found, at minimum, at page 82, line 15 through page 85, line 3; page 95, line 16 through page 96, line 6; page 111, lines 1 through 19; and page 118, lines 1 through 14. In order to advance prosecution and allowance, the present claims are limited to Claims 52 and 53. Claim 52, as amended, is now an independent claim. Applicants affirmatively retain the right to pursue the subject matter of the cancelled claims in a later application, if desired.

Rejections and Objections Withdrawn

Applicants note the Office's withdrawal of the objection pertaining to the Information Disclosure Statement, rejection under 35 U.S.C. §103(a), and rejection under 35 U.S.C. §112, first paragraph, for Claims 38 through 46 and 64 through 74 in view of Applicants' arguments filed on July 2, 2007. Regarding the Information Disclosure Statement, the Examiner initialed the 1449 form containing the US counterpart applications for WO 99/38839, WO 00/12464, and WO 02/00605 (which are US 6,316,498, US 6,333,428, and US 6,770,676, respectively) on August 6, 2007. However, the Examiner has not yet initialed the previously submitted EP counterpart to WO 03/061698 (EP 1,459,765). Since the Examiner has already fully considered and deemed persuasive Applicants' arguments filed on July 2, 2007 as noted in Point 2 under Rejections and Objections Withdrawn, Response to Arguments, Applicants respectfully request that the Examiner provide an initialed PTO-892 form containing the EP 1,459,765 reference.

Rejection of Claims 38, 59, 66, 68, 71, and 73 through 75 under 35 U.S.C. §112 Second Paragraph

Claims 38, 59, 66, 68, 71, and 73 through 75 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the

subject matter which Applicants regard as the invention. While Applicants do not acquiesce to the merits of this rejection, Claims 38, 59, 66, 68, 71, and 73 through 75 have been cancelled. As such, Applicants assert that the rejection is obviated and respectfully request the rejection's withdrawal.

Rejection of Claims 38, 42, 43, and 49 through 51 under 35 U.S.C. §102(e)

Claims 38, 42, 43, and 49 through 51 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Johnson et al. (WO 03/084610). While Applicants do not acquiesce to the merits of this rejection, Claims 38, 42, 43, and 49 through 51 have been cancelled. Applicants, therefore, assert that the rejection is obviated and respectfully request withdrawal of the rejection.

Allowable Subject Matter

Applicants note the Office's statement regarding Claims 44 through 46, 52, and 53 containing allowable subject matter. Applicants do not acquiesce to the merits of the Office's statement of reasons for the indication of allowable subject matter.

Applicants also note that although Claims 44 through 46 contain allowable subject matter, those claims have been cancelled. Additionally, Claims 52 is now, due to amendment, an independent claim.

Conclusion

Applicants assert that the amendments and above-stated remarks overcome the Office's rejections for this application. Applicants courteously solicit reconsideration of these rejections and passage of this case to issuance.

Respectfully submitted,

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